

ENTERED

May 13, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOSE FERNANDO CARDENAS-LIRA, §
§
Plaintiff, §
VS. § CIVIL NO. 2:18-CV-144
§
CHARLES A. BANKER III, *et al.*, §
§
Defendants. §

ORDER

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R") to dismiss case and to impose sanctions, Dkt. No. 12; Plaintiff Jose Fernando Cardenas-Lira's ("Cardenas-Lira") response to the M&R, Dkt. No. 14; and Cardenas-Lira's Supplemental Objections, Dkt No. 17.

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 12, and **DISMISSSES WITH PREJUDICE** Plaintiff's civil rights action as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1) until such time as Plaintiff satisfies the conditions set forth in *Heck*. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g). The Court therefore **DIRECTS** the Clerk of the Court to forward a copy of this Order to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov. The Court **SANCTIONS** Plaintiff \$100.00 for filing this frivolous civil rights action and bars Cardenas-Lira from filing any civil actions in this Court without first satisfying the monetary sanction imposed and obtaining the permission of a district court or magistrate judge to proceed.

SIGNED this 13th day of May 2019.



Hilda Tagle
Senior United States District Judge